

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

BOB J. SETTLE,

Plaintiff,

V.

WAYNE NORTH, et al.,

Defendants.

CIVIL ACTION

No. 04-2129-CM

ORDER

Pending before the court is Motion of Defendants Beye and Laurel Hill Escrow Service, Inc. for Acceptance of Supplemental Pleadings (Doc. 107), and Defendant Wayne North's Motion and Memorandum in Support for Enlargement of Time to File Opposition to Plaintiff's Motion and Memorandum for Order to Hold Wayne North in Contempt for Perjury (Doc. 132).

I. Motion for Acceptance of Supplemental Pleadings

Defendants Laurel Hill Escrow Service, Inc. (“Laurel Hill”) and Maxine Beye move for the court’s permission to supplement documents numbered 32, 38, 45, 60, 61, 62, 65, 68, 84, 91, 99, and 100 because Dennis Horner, counsel for these defendants, inadvertently filed these motions without his electronic signature. “Every pleading, written motion, and other paper shall be signed by at least one attorney of record in the attorney’s individual name An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.” Fed. R. Civ. P. 11(a); *Scarborough v. Principi*, 541 U.S. 401, 415-16 (2004). Upon notification of the error, Mr. Horner re-filed each of the above-mentioned documents with an

amended signature line.¹ Finding that plaintiff was not prejudiced by counsel's error, the court grants Laurel Hill and Ms. Beye's motion to supplement. The court will treat the supplemental motions as if they were originally properly-signed and filed.

Although the court grants the instant motion, Mr. Horner's amended signature is not without problems. Pursuant to D. Kan. Rule 5.4.8, the court's Electronic Filing System requires counsel to sign each electronically filed document by preceding their typed name with an "s/" symbol. But, rather than typing his name, Mr. Horner signed his supplemental motions by simply adding "/s/" to the signature line, without including his name. Mr. Horner signed the certificates of service the same way. These signatures are improper under the D. Kan. Rules. Going forward, counsel shall properly sign each document filed in this court or risk the court striking improperly signed documents.

II. Motion for Enlargement of Time

Defendant Wayne North timely filed a motion for an extension of time to respond to plaintiff's Motion and Memorandum for Order to Hold Wayne North in Contempt for Perjury (Doc. 130). Finding no prejudice to plaintiff, the court grants this motion.

IT IS THEREFORE ORDERED that Motion of Defendants Beye and Laurel Hill Escrow Service, Inc. for Acceptance of Supplemental Pleadings (Doc. 107), and Defendant Wayne North's Motion and Memorandum in Support for Enlargement of Time to File Opposition to Plaintiff's Motion and Memorandum for Order to Hold Wayne North in Contempt for Perjury (Doc. 132) are granted.

¹ In a March 30, 2006 Minute Order, the court denied each of the supplemental filings as moot for administrative purposes. *See* Doc. 122. To avoid confusion, the court will refer to the original pleadings.

Dated this 17th day of August 2006, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge